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Sheep Laws of Montana

As Amended to Date.

“An Act to foster, develop, protect, and promote the Sheep Industry of the State of Montana, and to appoint a Board of Sheep Commissioners and appoint Inspectors, and Deputy Inspectors, and to define their duties and powers, and the duties and powers of the State Veterinary Surgeon in connection therewith;” and to repeal an Act entitled, “An Act for the appointment of a Board of Sheep Commissioners, and to define their powers and duties,” approved March 5, 1897, and Section 3030 to Section 3046, inclusive, of the Political Code covering the same subject.”

Be it Enacted by the Legislative Assembly of the State of Montana:

Section 1.

The Governor of the State of Montana is hereby directed and empowered to appoint a Board of Sheep Commissioners, consisting of one member of each of the counties of the State, which appointment shall be made with the consent of the Senate, when in session. The members of said Board, before entering upon their duties, shall take the oath of office prescribed by the Constitution, which oath of office must be filed in the office of the Secretary of State.

Section 2.

Each member of said Board shall be an actual resident of the County for which he is chosen, and an owner of sheep within the State, or directly interested therein, and must, during his term of office, reside within such county. The members of said Board shall hold office for a term of two years, and until their successors are appointed and qualified, and in case of vacancy in said Board from death, resignation or otherwise, the Governor shall fill such vacancy by appointment.

Section 3.

The board must organize by electing one of its members “or some sheep owner of the State” as president, and one of its members as vice-president, and appointing a competent person as secretary, which secretary shall receive such compensation as may be allowed by said board. The members of the board shall receive actual expenses incurred by them in the performance of their duties, but shall receive no other compensation for their services, except as inspectors or deputy inspectors, or protecting the sheep in-

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dustry as may be prescribed by the rules of the board. Five members shall constitute a quorum for the transaction of business.

It shall be the duty of the vice-president to act as president in the absence of the president from the state, or from a meeting.

Section 4.

The Board may divide the State into suitable Districts for inspection purposes, and provide for and appoint Inspectors and Deputy Inspectors, when necessary. It shall be the duty of the Board to exercise a general supervision over the sheep industry of the State, and to do all acts that, in their judgment, will foster and develop said industry, and protect the same from theft and disease, and shall devise and recommend, from time to time, such legislation as, in their judgment, will foster and develop said industry. The Board may employ all proper and lawful means to procure the attendance of witnesses before it, and may employ attorneys to advise the Board and to assist in the prosecution of any person or persons guilty of any offense against any of the laws and interests of sheep owners, and the protection and fostering of the sheep industry.

The Board shall have power to make rules and regulations for its own government, and for the guidance and direction of Sheep Inspectors, and may convene whenever necessary, provided that there shall be at least one meeting of said Board each year.

The duties of the Secretary shall be such as may be prescribed by the Board

Section 5.

It is the duty of the Board to audit all bills for expenses incurred in the protection or fostering of the sheep industry, under the provisions of this Act, and if found correct, to certify the same to the State Auditor, who shall present the same to the State Board of Examiners, and when approved by said Board, he shall draw a warrant on the State Treasurer in favor of the person or persons entitled to such compensation or reimbursement, in the sum so certified and approved, payable out of the "Sheep Inspection and Indemnity Fund."

Section 6.

The Board must make an annual report in writing, to the Governor, on or before the 20th day of December in each year. Such report must give a complete statement of the transactions of the Board during the year, and a summary of the reports of the Sheep Inspectors.

Section 7.

The Board of Sheep Commissioners, when in session, or when not in session, the resident of said Board must, upon request of any organized wool growers' associations in the state, or of any three sheep owners in any county, or upon request of the State Veterinary

Surgeon, appoint a capable person as Sheep Inspector for such county, who shall hold his office during the pleasure of the Board, or when the Board is not in session at the pleasure of the State Veterinary Surgeon, and the President of the Board, and must perform the duties hereinafter prescribed.

The Sheep Commissioners of each County may recommend a suitable person for Inspector.

The Board of Sheep Commissioners, or when the Board is not in session, the President thereof, or the State Veterinary Surgeon, may when deemed necessary, appoint one or more special Inspectors, who shall make and file the same oath, perform the same duties, and have the same power and authority as Inspectors.

The Sheep Commissioner of any county may be appointed Inspector, or Special Inspector, and when acting as such Inspector, or Special Inspector, shall be entitled to the same compensation as Inspector.

Section 8.

The Inspector need not be a resident of the county for which he is appointed. He must, before entering upon the duties of his office, take the oath of office prescribed by the Constitution, which oath of office shall be filed with the Secretary of State. The Board of Sheep Commissioners, or when the Board is not in session, the President of said Board, or the State Veterinary Surgeon, may request an Inspector of one county to go to another county and perform the duties of Inspector therein, or to assist the Inspector of such county, and when appointed to assist an Inspector, the Inspector of that county shall have general supervision and control over the work to be performed.

Section 9.

The Board of Sheep Commissioners, and when the Board is not in session, the President of said Board, or the State Veterinary Surgeon, may employ persons to take charge of all diseased sheep when in quarantine or otherwise, upon refusal of owners to take proper care and to assist the Sheep Inspector, and the person so employed shall be under the supervision and control of the Sheep Commissioner and Inspector of that county.

Section 10.

The Inspector must inspect all sheep within his county, which he may have received notice or information are affected with, or have been exposed to any infectious or contagious disease, and in case he finds the same are not so diseased, or exposed, he must make and issue a certificate, stating such facts; but if the sheep are affected with or have been exposed to any infectious or contagious disease, they must be quarantined, and the regulations for their quarantine holding and keeping must be at once made by such Inspector, each Inspector so appointed must personally supervise the

dipping of, or otherwise treating of all scabby or diseased sheep within his county, and appoint the date for each and every dipping. He has the right with the advice and consent of the State Veterinary Surgeon, to determine and superintend the preparation and mixture of material used in dipping the sheep, and must cause all sheep so quarantined to be distinctly marked with a red letter "S" on the right side.

In the discharge of his duties, the Inspector shall, so far as practicable, comply with the instruction, rules and regulations prescribed by the State Veterinary Surgeon, and the Board of Sheep Commissioners. All sheep dipped shall be held in quarantine at least ninety days after the last dipping, or until released therefrom by the Inspector upon the order of the State Veterinary Surgeon.

Section 11.

Upon receipt of information of any of the facts mentioned in the preceding section, or that any sheep within his county are affected with or have been exposed to any infectious or contagious disease, the Inspector must immediately cause such sheep, and all sheep running in the same flock, or upon the same or contiguous range with them, to be examined, and if found so diseased or exposed to disease, to be quarantined and held with a certain limit or place, to be designated by him, and such sheep must be held in quarantine until the owner or person in charge, or the Inspector has eradicated such scab or other infectious disease, and the Inspector issues a certificate stating such facts and releasing such sheep from quarantine.

When sheep infected with, or which have been exposed to, any infectious or contagious disease, have been kept in any building or corral, the Inspector must inspect and quarantine such premises, and prohibit any sheep being placed therein until such premises have been cleaned and thoroughly disinfected, which must be attended to within ten days from date of quarantine.

Section 12.

In all cases of scab, or other infectious or contagious disease among sheep in this state, the state veterinary surgeon, deputy state veterinary surgeon, or inspector, has authority [authority?] to order a quarantine of the infected premises and diseased animals, or animals exposed to such disease, and to define the limits within which such sheep must be kept, and to prohibit any other animals from being driven into or across, or kept within such quarantine limits; Provided, that in all cases sheep shipped into this State must be quarantined separately, and in no case shall foreign sheep be mixed or quarantined on the same area with native sheep, and all native sheep must be quarantined within the limits of their accustomed ranges and in case such disease becomes enzootic or epizootic in any locality in this state, the president of the board of sheep commis-

sioners, or the state veterinary surgeon, or the inspector must immediately notify the governor of the state, who must, thereupon issue his proclamation, forbidding any sheep to be transferred from such locality without a certificate from the state veterinary surgeon or inspector, showing such sheep to be free from any infectious or contagious disease, and forbidding all persons from driving any other sheep into or across such locality, or keeping or herding them therein.

Any sheep going, or being driven into or across such prohibited locality or quarantine premises, shall be deemed exposed to such infectious or contagious disease, and may be declared and detained in quarantine, and if deemed necessary by the state veterinary surgeon or inspector may be dipped.

Section 13.

Whenever the Governor has reason to believe that any of the diseases mentioned in this Article or any infectious or contagious disease has become enzootic or epizootic in certain localities in any other state or territory, or that conditions exist that render sheep likely to convey disease, he must thereupon by proclamation designate such localities, and prohibit the importation from them of any sheep into this State, except under such restrictions as he, after consultation with the President of the Board of Sheep Commissioners or State Veterinary Surgeon, may deem proper. Any person, who, after publication of such proclamation, knowingly receives in charge any such sheep from any of the prohibited districts, or transports or conveys the same to and within the limits of any of the counties of this State, is punishable, as hereinafter provided, and is liable for all damages which may be sustained by any person by reason of the importation, transportation, or reception of such prohibited sheep.

Section 14.

Upon the issuing of a proclamation by the Governor, imposing restrictions upon the importation of sheep from any other country, state or territory, the owner or person in charge of sheep being shipped or driven into the State of Montana from any country, state or territory against which quarantine has been declared, must forthwith notify, by telegraphic dispatch, the State Veterinary Surgeon at Helena, Montana, stating from what country, state or territory said sheep are being shipped or driven, the number thereof, and where they will first arrive in this state or be unloaded.

Section 15.

Whenever the state veterinary surgeon receives the notice mentioned in the preceding section, or obtains knowledge that any sheep have been, or are about to be shipped or driven from any state or territory to this state, he shall immediately notify the inspector of

the county into which such sheep shall first come or be unloaded; and it shall be the duty of the said inspector to inspect said sheep immediately upon their arrival within his county, and make such order, and take such action with reference thereto as he may deem necessary, as provided in Section 18 of this act.

Whenever any inspector receives notice or information that any sheep have been, or are about to be shipped or driven into this state from any state or territory, it shall be his duty to at once notify the state veterinary surgeon.

When any sheep are delivered to any railroad or transportation company, for shipment to this state, as the point of destination, it shall be the duty of such railroad company to notify the state veterinary surgeon, by telegraph, the date of said shipment, the name of the place from which they are shipped, the point of destination, the name of the consignor and the consignee, and the probable date of the arrival of said sheep at the state line of Montana; and when any sheep are billed to be shipped through the state, and afterwards the point of destination is changed to some place within this state, it shall be the duty of the railroad or transportation company, upon receiving a request to change the point of destination, to notify the state veterinary surgeon, by telegraph, giving the name of the consignor and consignee, and the point of destination to which the shipment is changed.

Section 16.

The expenses of inspecting, feeding, holding, dipping, treating, marking, and taking care of all sheep inspected, quarantined, dipped, or otherwise treated under the provisions of this act, including the fees and expenses of the inspector, on account of services rendered in connection with the same, must be paid by the owner, agent or person in charge of such sheep, and such charge shall be a lien upon such sheep for such charges and expenses, which lien shall be prior and paramount to any and all other liens, demands, or other claims against such sheep, and the inspector may retain possession of such sheep until such charges and expenses are paid; but such lien shall not be dependent upon possession, and such lien may be foreclosed in the name of the inspector, by a sale of the sheep, or as many thereof as may be necessary to pay the same and costs of sale at public auction, on ten days' notice, given by posting notices thereof in three public places in said county, or such lien may be foreclosed by an action in any court of competent jurisdiction, or an action may, without foreclosing such lien, be maintained in any court of competent jurisdiction against the owners of such sheep to recover the amount of such charges and expenses; provided, however, that for inspecting and dipping sheep which have been within this state six months immediately preceding such inspection, the fees and expenses of the inspector for inspecting and

superintending the dipping of such sheep, and all other fees, and expenses of such inspector, connected with such inspection and dipping of said sheep, shall be paid out of the sheep inspection and indemnity fund.

Section 17.

It shall be the duty of the railroad or transportation company to notify the State Veterinarian of proposed shipments and their destination, as soon as said railroad or transportation company is notified by the shipper.

In no case must any sheep affected with, or that have been exposed to any infectious or contagious disease, be removed, or allowed to be removed, from one point to another, within any county, or from one county to another in this state, without a written certificate from the state veterinary surgeon, or an inspector. It shall be unlawful for any railroad company or transportation company to ship sheep from one place to another, within this state, in cars in which other sheep have been shipped, until such cars have been cleaned and carefully disinfected, under the direction of the state veterinary surgeon, or an inspector, who shall give a certificate of such inspection, which shall accompany the shipment.

It shall be the duty of every railroad or transportation company, before cleaning or disinfecting any such car or cars, to give notice to the state veterinary surgeon, at Helena, Montana, at least five days before the cars are to be so cleaned and disinfected; and it shall be the duty of the state veterinary surgeon, upon such notice being given, to inspect, or cause to be inspected by an inspector, on or before such date, such car or cars, so cleaned and disinfected, and to give the proper certificate therefor.

It shall be the duty of every railroad or transportation company in this state to keep all yards, corrals, sheds or buildings in this state, used by such company for holding or feeding sheep in transit, and all cars used for shipping sheep, clean and free from infection from scab, or other infectious or contagious disease; and it shall be the duty of the state veterinary surgeon and inspector to inspect such yards, corrals, sheds, buildings and cars, when deemed necessary, and if the same are infected or exposed to infection from any infectious or contagious disease, to at once notify such company of such fact, and declare such premises and cars in quarantine, and forbid any animals from being placed or kept therein, until the said premises and cars are disinfected; and it shall be the duty of the said company to cause said premises and cars to be thoroughly cleaned and disinfected, under the supervision of the state veterinary surgeon, and if he fails to do so within five days after such notice, the state veterinary surgeon or an inspector shall cause said premises and cars to be disinfected.

The state veterinary surgeon and the inspector shall have au-

thority to enter into all such cars, yards, corrals, sheds or buildings, for the purpose of inspecting or disinfecting the same.

The fees and expenses of the state veterinary surgeon and the inspector, and all expenses incurred in inspecting and disinfecting such premises and cars, shall be a charge against such railroad or transportation company, and may be recovered in a civil action in any court of competent jurisdiction.

The notice above mentioned may be served upon the agent or other officer in charge of the station, at which such yards, corrals, sheds, buildings, or cars are situated.

Section 18.

Within five days previous to the arrival of any sheep into this state, from any other state or territory, the owner or agent in charge of such sheep must report by telegraphic dispatch, to the State Veterinary Surgeon, at Helena, Montana, stating from what country, state or territory such sheep are shipped or being driven from, the number thereof, and the place where they will first enter the state, and where it is intended to unload them, or, such notice may be given by registered mail, if mailed in time, so that in the ordinary course of mails it will reach the State Veterinary Surgeon's office five days before such sheep would reach the state, and the State Veterinary Surgeon shall, immediately on receipt of such notice, notify the Inspector of the county in which the sheep shall first come to be unloaded, and it shall be the duty of such Inspector to immediately inspect the same, and to make such order or orders for their quarantine, treatment and dipping as he may deem necessary.

Section 19.

Any sheep that are shipped or driven into this state, with the intention on the part of the owner of holding them within the state longer than is necessary to feed them in transit, which feeding must be done in the railroad stockyards, corrals, or buildings, must be at once quarantined and dipped under the supervision of the state veterinary surgeon or inspector, at the point of entry or unloading, or as near such point as may be deemed safe by the state veterinary surgeon or inspector in charge, without danger of scattering infection, and when so dipped, shall be branded with a red letter "S" on the right side.

After said sheep are so dipped and branded, they may be moved to the ranch or range where it is the intention of the owner to keep them, providing they can be moved to such ranch or range within ten days, when they must be dipped a second time; and when such sheep have been shipped or driven from any territory or locality in any other state or territory that is declared by the chief of the United States Bureau of Animal Industry to be free from scab or other contagious or infectious disease, and are accompanied by a

certificate from the Federal Inspector, acting under the authority of the chief of the United States Bureau of Animal Industry, setting forth that such sheep have been shipped or driven from a locality or territory free from scab or other contagious or infectious disease, and that such sheep were free from scab or other contagious or infectious disease at the time they were shipped or driven from such locality, the state veterinary surgeon may, in his discretion, release said sheep from quarantine after the second dipping, provided, however, that all rams so imported must be dipped and treated as herein provided, and shall under no circumstances be released from quarantine within less than ninety days after the last dipping; and should said rams be allowed to run with other sheep before the expiration of ninety days, said sheep must be quarantined for a period which would complete the ninety days quarantine on the rams; and that all sheep shipped or driven from any territory or locality of any state or territory not certified by the chief of the United States Bureau of Animal Industry to be free from scab, or other infectious or contagious disease, must be detained in quarantine for a period of not less than ninety days after the last dipping, and shall be released only upon the order of the state veterinary surgeon.

Section 20.

The Inspector in each county shall receive for his services while necessarily employed in the discharge of his duties, not exceeding Eight (\$8.00) Dollars per day, which includes all necessary traveling and other expenses incurred in going to and returning from the place where such inspection is had, or other services performed.

Section 21.

The State Veterinary Surgeon or Deputy State Veterinary Surgeon shall have authority concurrent with the Inspector to inspect and quarantine sheep and do any and all other acts, and make any and all orders that the Inspector or Sheep Commissioner is by this act authorized to do or make, and shall have authority to supervise and direct the action of the Inspectors in the discharge of their duties. And the State Veterinary Surgeon shall have authority to prescribe how sheep shall be dipped or otherwise treated, the kind of dip, which may be any one recognized by the United States Bureau of Animal Industry, and to make rules and regulations for the instruction and guidance of the Inspectors in the discharge of their duties.

Section 22.

Whenever any Inspector files in the office of the State Auditor any bill with proper reports and vouchers, duly approved by the President of the Board of Sheep Commissioners, setting forth:

1. The name in full of such Inspector.
2. The kind and nature of the services rendered.

3. The particular locality where the work was done.
4. The time when, and the length of time employed.
5. The number of sheep inspected and the name of the owner or person in charge.
6. The disease or diseases treated, the number treated for such disease, and the length of time of such treatment, and the result.
7. The amount claimed, and the value of the services.
8. The amount of expenses necessarily incurred.
9. A statement and account of all money received by him from any owner of sheep on account of services performed under this Act, including any sums realized on account of any lien therefor.
10. The State Auditor must, when such bill is approved by the State Board of Examiners, draw a warrant in favor of such Inspector, payable out of any moneys in the "Sheep Inspection and Indemnity Fund."

Section 23.

Every Inspector appointed under the provision of this Article, must keep a book account to be known as the "Inspection Record," in which he must enter and record all his official acts and proceedings. Such record must particularly show the name of the owner of every flock of sheep inspected, when the same was inspected and the number in each flock, the result of such inspection, whether the same were quarantined, the limits of the quarantine, when released therefrom, the names of the persons to whom certificates have been granted, and when, and all orders and directions made in relation to any matters herein designated.

He shall notify the Secretary of the Board of Sheep Commissioners when any sheep are brought into his county from any other state or territory, when any sheep are inspected by him and found to be diseased, with the name of the owner, the number thereof, and where located, when any sheep are quarantined by him, the limits of the quarantine, and when such sheep are released therefrom, and furnish such other information as the Secretary of the Board of Sheep Commissioners may, from time to time, require.

Upon the termination of his term of office, he shall deliver such record to the Secretary of the Board of Sheep Commissioners.

Section 24.

Any person who brings, or causes to be brought into this state any sheep infected with scab or other infectious or contagious disease, or who shall violate, or in any manner fail to comply with any order made by the state veterinary surgeon, deputy state veterinary surgeon or inspector, or any proclamation issued by the Governor, under the provisions of this act, or who violates or disregards any of the provisions of this act, or who shall in any manner hinder, obstruct or resist the state veterinary surgeon, or deputy state vet-

erinary surgeon, or any inspector, in the discharge of his, or their duties, or shall break any quarantine, or wilfully or negligently permit any sheep to escape from such quarantine, or shall drive into or across, or permit any sheep to be placed within the limits of any quarantined premises, or any locality prohibited or quarantined under the proclamation of the governor, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by imprisonment in the county jail, not exceeding one year, or by a fine not exceeding One Thousand Dollars, or by both such fine and imprisonment, and shall be liable for all damages which may be sustained by any person, by reason of such act or acts, which damages may be recovered by such person in a civil action in any court of competent jurisdiction.

Section 25.

Every Inspector must, on or before the 30th day of November of each year, make a report in writing to the Secretary of the Board of Sheep Commissioners, showing from his inspection record particularly the matters therein contained since his last report, which report shall be in triplicate, and one shall be filed in the office of the Secretary of said Board, and one transmitted to the State Veterinary Surgeon, and the said State Veterinary Surgeon must embody the information thus given in his report to the Governor. If such report is not made in triplicate by the Inspector, the Secretary of the Board shall make and certify a copy thereof, and transmit the same to the State Veterinary Surgeon.

Section 26.

The Board of Sheep Commissioners, or the President of said Board when the Board is not in session, shall have authority, upon recommendation of the State Veterinary Surgeon, to employ one or more specialists to investigate any subject relating to fostering, promoting and protecting the sheep industry of the State, and cause to be performed any act or thing, which, in their (or his) judgment, is necessary, or would tend to foster, promote and protect the sheep industry. Such specialist or specialists may be employed by the day, week, month or year, and shall be under the direction and control of the Board of Sheep Commissioners, or when the Board is not in session, the President of said Board. The expense of such specialists shall not exceed Five (\$5.00) Dollars per day each, together with actual expenses for transportation.

Section 27.

That the sum of Nineteen Thousand Dollars, or so much thereof as may be necessary be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to defray the expenses incurred under the provisions of this Act, which moneys shall be known as the "Sheep Inspection and Indemnity Fund."

Section 28.

The Sheep Commissioners appointed under the provisions of Senate Bill No. 100, approved March 5th, 1897, shall continue in office for the term provided in said Act; but hereafter shall be governed and controlled by the provisions of this Act.

Section 29.

That an Act entitled, "An Act for the appointment of a Board of Sheep Commissioners and to Define their Powers and Duties," approved March 5th, 1897, and Section 3030 to Section 3046, inclusive, of the Political Code, and all Acts and parts of Acts inconsistent with this Act are hereby repealed.

Section 32.

No person or persons shall conduct what is known as a public buck herd in this state without first receiving from the state veterinary surgeon a permit to do so. Such permit must be in writing, and signed by the state veterinary surgeon. "Which said permit must be issued by the Veterinarian upon receipt from such person or persons of an application in writing for the same." All persons receiving a permit to conduct such herds shall, on or before the 15th day of July in each year, report to the state veterinary surgeon the number of bucks in said herd, the owners thereof, and the number owned by each, and where the said herd is kept, and any subsequent additions made to said herd must be reported to the state veterinary surgeon as soon as made.

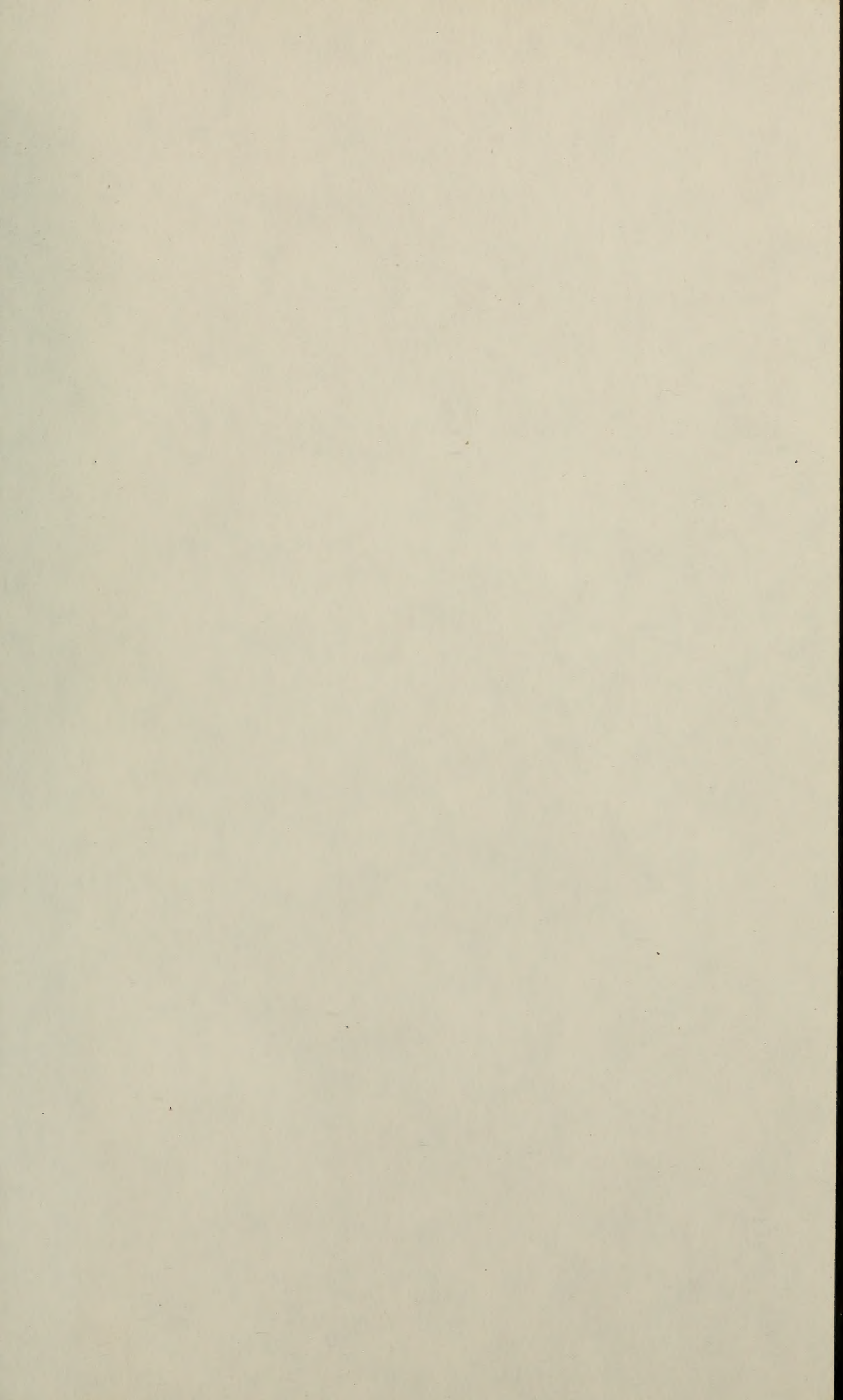
It shall be the duty of the state veterinary surgeon to cause all such buck herds to be inspected during the month of October in each year, and if he finds such herds to be free from scab, or other infectious or contagious disease, he shall issue a certificate stating such fact, which certificate shall have indorsed thereon the number of bucks in said herd, and the names of the respective owners. After the issuing of such certificate, any of such animals may be removed from said herd. The keeper of such herds shall not permit any animals to be removed from said herd, and no person shall remove any animals therefrom until such inspection and the issuing of such certificate. When any animals are so removed, the keeper of such herd shall give to the owners or persons removing the same a copy of the certificate of the state veterinary surgeon, and such owners or persons must, on demand of any sheep owner in this state, exhibit such certificate.

A public buck herd, within the meaning of this act, shall be one consisting of bucks owned by two or more persons not partners.

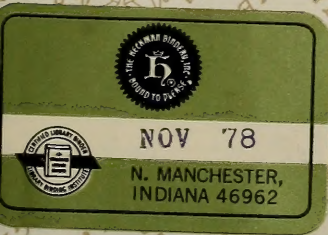
All acts and parts of acts inconsistent with this act are hereby repealed.

This Act shall take effect and be in force from and after its passage and approval.

Approved March 8, 1907.







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